

COMMISSION ON COMMON OWNERSHIP COMMUNITIES  
 Minutes of the Monthly Meeting  
 1401 Rockville Pike, 5<sup>th</sup> Floor, Rockville, MD 20850  
 March 6, 2019

The regular monthly meeting of the Commission on Common Ownership Communities was called to order at 7:03 pm by Chairman Mark Fine.

Commissioners present: BURROWS, FINE, FISHBEIN, GARDNER, GELFOUND, MALAMUD, MYO KHIN, PERPER, STEINBACH, VINEY, WINEGAR

Commissioners absent: COMMISSIONERS VALLEY, ETHIER

Also present: Walter Wilson, Associate County Attorney; Mark Anders, OCOC Staff

Guests: Ginger Naglee [Tanterra]

1. **Minutes approved:** Commissioner Fine moved to accept the minutes of the February 6, 2019 meeting as amended. The motion was adopted.
2. **Community Forum:** No comments
3. **Jurisdiction - Default cases:** None
4. **Jurisdiction - Contested cases**  
#2019-014, Hogarth v. Wintergate at Longmead: Commissioner Fishbein moved to accept jurisdiction and refer the case to a hearing panel. The motion was adopted, Commissioner Fine abstaining due to a conflict of interest.
5. **D&Os Issued:**  
#2019-015, Stevens v. Crest of Wickford  
#2019-001, Pierce v. Maryland Mutual No. Eight
6. **D&O on Appeal (Circuit Court for Montgomery Co.):** #2018-037 Hypolite v. Longmead Crossing HOA
7. **County Attorney's report:** no report
8. **DHCA Staff report:** Monthly data report for February 2019 unavailable.
9. **Chair's report:** Chairman Fine reported on the following issues:
  - The Commission will host an **Awards evening** at the Hampshire Greens Country Club on Tuesday, April 2, 2019 from 6:30-8:30pm. *Attendance is mandatory for all Commissioners.*
  - DHCA has developed a plan to address the multiple long-standing problems with the process of **association and board member registration** and the listing of rental units in coc's, and updating that information. A new employee will be hired, dedicated to data entry for all association registrations. No citations or fines for late or incomplete registration will be imposed while this system is being set up.

- Commissioner Fine presented **Administrative Interpretation 2019-01** of Chapter 10B-17(k). This document sets criteria for a hearing panel to consider when a board member, as party to a dispute, fails to complete the required board training.
- Commissioners were told that a member of the independent *Distressed Community Task Force* and a CCOC Commissioner presented DHCA Acting Director Goetzinger with a proposed amendment to Chapter 10B without consulting the Commission or its Chair. After discussion, Commissioner Gardner moved that: **“no proposed changes to Chapter 10B may be presented on behalf of the Commission without the review and recommendation of the Legislative Committee and the full approval of the Commission.”** The motion was adopted.
- Commissioner Fine was asked to present testimony to the County Council giving the CCOC’s opinion of the proposed Zoning Text Amendment [ZTA 19-01]. Commissioner Gelfound moved that **“the Commission oppose ZTA 19-01 as written”**, as it proposed to overrule coc governing documents. The motion was adopted.

#### 10. Committee reports:

##### Education Committee [Commissioner Viney, Chair]:

- There was zero attendance for the meeting on February 26<sup>th</sup>. It was suggested that the meetings be moved to the same day, and an hour or so prior, to the Commission meetings. No resolution was reached on that idea.
- CAI Expo on February 23<sup>rd</sup> was an excellent meet & greet opportunity.
- Training: “Community Governance Fundamentals” training classes will be held first Monday of every month. Two new classes will be offered by Commissioner Fine and committee members are asked to attend to review and give constructive critique of curriculum.  
Monday, March 11 “*Bookkeeping 101*” 6pm, 5<sup>th</sup> floor  
Monday, March 18 “*Accounting/Budgeting 101*” 6pm, 5<sup>th</sup> floor
- CCOC Newsletter: No submissions for the March issue. All committee chairs should write at least a half-page article about their mission or activities. End of month there should be a newsworthy result on the Priority Lien Act.
- Website very close to going ‘live’. All commissioners have the opportunity to update their bios.

##### IT Committee [Commissioner Burrows, Chair]:

- Discussions are on-going about upgrades to the Case Management System and the Complaint Form. It is proposed that hand-written complaints will no longer be accepted.
- DHCA has approved the purchase of new audio-visual equipment for our training presentations, hearings, and meetings.

##### Legislative Committee [Commissioner Gardner, Chair]:

- The next committee meeting will be held in the Shark Tank on Tuesday, March 26 at 4:30pm.
- Three proposed bills were presented to the Commission:  
HB737 proposes to register all coc’s in Maryland, and to impose a \$10 per association fee, exempting those counties already registered and charged in their county.  
HB 825 proposes that if the holder of a mortgage or deed of trust receives notice of a proposed amendment to the association governing documents and fails to object in writing within 60 days, it will be considered consenting.  
HB900 proposes that all coc’s be required to have a reserve study every five years, and their annual budget include funding equal to at least 80% of the study’s recommendation.
- Amendment to the Priority Lien Act: After discussion, Commissioner Gelfound moved that **“the Commission recommend a favorable opinion by the County Council for the proposed**

**amendment to the Priority Lien Act.”** The motion was adopted.

- To expedite future Commission recommendations, it was suggested that the proposed bills be sent to Commissioners for their review, and a vote taken on CCOC recommendations, *by email*. It was noted that email meetings are closed meetings, and a closed meeting for this purpose is not permitted under the Open Meetings Act. It was then suggested that **under exigent circumstances [urgent or time-sensitive] a *unanimous* email vote would be acceptable as long as it is then ‘ratified’ by entering the motion and vote into the minutes of the next open meeting** [pursuant to Md. Corp. Statute section 2-408(c)]. This solution was accepted by unanimous consent.

Process & Procedures Committee [Commissioner Ethier, Chair]: no report

Budget Committee [Rand]: no report

11. **Old business:** Associate County Attorney, Walter Wilson, advised Commissioners who have not taken mandatory training to contact him directly.

12. **New business:** none

13. Meeting adjourned at 9:45pm.

**Next meeting Wednesday, APRIL 3, 2018 at 7:00pm**

Submitted by Kathy Viney,  
Recording Secretary